

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ANGEL GEOVANNY PUGLLA, individually and  
on behalf of all others similarly situated,

Case No. 24-cv-04355-CBA-CLP

Plaintiff,

-against-

GREEN AND SUSTAINABLE CONSTRUCTION CORP.  
and GEORGE DUFFY, as an individual,

Defendants.  
-----X

**ANSWER TO AMENDED COMPLAINT WITH AFFIRMATIVE DEFENSES**

Defendant George Duffy (“Duffy” or “Duffy Defendant”), by his attorneys, LaMonica Herbst & Maniscalco, LLP, for his Answer with Affirmative Defenses (“Answer”) to the amended collective/class action complaint (“Amended Complaint”) filed by Angel Geovanny Puglla, individually, and on behalf of all others similarly situated (“Plaintiff”), against Green and Sustainable Construction Corp. (“Corporate Defendant”) and the Duffy Defendant, state as follows:

**PRELIMINARY STATEMENT**

1. The allegations set forth in paragraph “1” of the Amended Complaint state a legal conclusion to which no response is required. To the extent any further response is required, Duffy Defendant denies the allegations contained in paragraph “1” of the Amended Complaint.

2. The allegations set forth in paragraph “2” of the Amended Complaint state a legal conclusion to which no response is required. To the extent any further response is required, Duffy Defendant denies the allegations contained in paragraph “2” of the Amended Complaint.

3. Duffy Defendant denies the allegations contained in paragraph “3” of the Amended Complaint.

**JURISDICTION AND VENUE**

4. Duffy Defendant denies the allegations contained in paragraph “4” of the Amended Complaint.

5. Duffy Defendant denies the allegations contained in paragraph “5” of the Amended Complaint.

6. Duffy Defendant denies the allegations contained in paragraph “6” of the Amended Complaint.

7. Duffy Defendant denies the allegations contained in paragraph “7” of the Amended Complaint.

**The Job Sites**

8. Duffy Defendant denies the allegations contained in paragraph “8” of the Amended Complaint.

**THE PARTIES**

**The Plaintiff**

9. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “9” of the Amended Complaint.

**The Defendants**

**Green and Sustainable Construction Corp.**

10. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “10” of the Amended Complaint.

11. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the Amended Complaint.

12. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the Amended Complaint.

13. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “13” of the Amended Complaint.

14. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “14” of the Amended Complaint.

15. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “15” of the Amended Complaint.

**George Duffy**

16. Duffy Defendant denies the allegations contained in paragraph “16” of the Amended Complaint.

17. Duffy Defendant denies the allegations contained in paragraph “17” of the Amended Complaint.

18. Duffy Defendant denies the allegations contained in paragraph “18” of the Amended Complaint.

19. Duffy Defendant denies the allegations contained in paragraph “19” of the Amended Complaint.

20. Duffy Defendant denies the allegations contained in paragraph “20” of the Amended Complaint.

21. Duffy Defendant denies the allegations contained in paragraph “21” of the Amended Complaint.

22. Duffy Defendant denies the allegations contained in paragraph “22” of the Amended Complaint.

23. Duffy Defendant denies the allegations contained in paragraph “23” of the Amended Complaint.

24. Duffy Defendant denies the allegations contained in paragraph “24” of the Amended Complaint.

25. Duffy Defendant denies the allegations contained in paragraph “25” of the Amended Complaint.

#### **RELEVANT STATUTORY PERIOD**

26. The allegations set forth in paragraph “26” of the Amended Complaint state a legal conclusion to which no response is required. To the extent any further response is required, Duffy Defendant denies the allegations contained in paragraph “26” of the Amended Complaint.

#### **FACTUAL ALLEGATIONS**

27. Duffy Defendant denies the allegations contained in paragraph “27” of the Amended Complaint.

28. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “28” of the Amended Complaint.

29. Duffy Defendant denies the allegations contained in paragraph “29” of the Amended Complaint.

30. Duffy Defendant denies the allegations contained in paragraph “30” of the Amended Complaint.

31. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “31” of the Amended Complaint.

32. Duffy Defendant denies the allegations contained in paragraph “32” of the Amended Complaint.

33. Duffy Defendant denies the allegations contained in paragraph “33” of the Amended Complaint.

34. Duffy Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “34” of the Amended Complaint.

35. Responding to paragraph “35” of the Amended Complaint, Duffy Defendant does not know Plaintiff, has never paid Plaintiff, never employed Plaintiff, and denies the allegations set forth therein as to Duffy Defendant.

36. Responding to paragraph “36” of the Amended Complaint, Duffy Defendant never worked for the Corporate Defendant and has no information related thereto, and otherwise denies the allegations therein.

37. Duffy Defendant denies the allegations contained in paragraph “37” of the Amended Complaint.

38. Duffy Defendant denies the allegations contained in paragraph “38” of the Amended Complaint.

39. Duffy Defendant denies the allegations contained in paragraph “39” of the Amended Complaint.

40. Duffy Defendant denies the allegations contained in paragraph “40” of the Amended Complaint.

41. Duffy Defendant denies the allegations contained in paragraph “41” of the Amended Complaint.

42. Duffy Defendant denies the allegations contained in paragraph “42” of the Amended Complaint.

43. Duffy Defendant denies the allegations contained in paragraph “43” of the Amended Complaint.

44. Duffy Defendant denies the allegations contained in paragraph “44” of the Amended Complaint.

**COLLECTIVE ACTION ALLEGATIONS**

45. The allegations set forth in paragraph “45” of the Amended Complaint state a legal conclusion to which no response is required. To the extent any further response is required, Duffy Defendant denies the allegations contained in paragraph “45” of the Amended Complaint.

46. Duffy Defendant denies the allegations contained in paragraph “46” of the Amended Complaint.

47. Duffy Defendant denies the allegations contained in paragraph “47” of the Amended Complaint.

48. Duffy Defendant denies the allegations contained in paragraph “48” of the Amended Complaint.

49. Duffy Defendant denies the allegations contained in paragraph “49” of the Amended Complaint.

50. Duffy Defendant denies the allegations contained in paragraph “50” of the Amended Complaint.

51. Duffy Defendant denies the allegations contained in paragraph “51” of the Amended Complaint.

52. Duffy Defendant denies the allegations contained in paragraph “52” of the Amended Complaint.

53. Duffy Defendant denies the allegations contained in paragraph “53” of the Amended Complaint.

54. Duffy Defendant denies the allegations contained in paragraph “54” of the Amended Complaint.

55. Duffy Defendant denies the allegations contained in paragraph “55” of the Amended Complaint.

56. Duffy Defendant denies the allegations contained in paragraph “56” of the Amended Complaint.

**FEDERAL RULE OF CIVIL PROCEDURE RULE 23 CLASS ALLEGATIONS**

57. The allegations set forth in paragraph “57” of the Amended Complaint state a legal conclusion to which no response is required. To the extent any further response is required, Duffy Defendant denies the allegations contained in paragraph “57” of the Amended Complaint.

58. Duffy Defendant denies the allegations contained in paragraph “58” of the Amended Complaint.

59. Duffy Defendant denies the allegations contained in paragraph “59” of the Amended Complaint.

60. Duffy Defendant denies the allegations contained in paragraph “60” of the Amended Complaint.

61. Duffy Defendant denies the allegations contained in paragraph “61” of the Amended Complaint.

62. Duffy Defendant denies the allegations contained in paragraph “62” of the Amended Complaint.

63. Duffy Defendant denies the allegations contained in paragraph “63” of the Amended Complaint.

64. Duffy Defendant denies the allegations contained in paragraph “64” of the Amended Complaint.

65. Duffy Defendant denies the allegations contained in paragraph “65” of the Amended Complaint.

**FIRST CAUSE OF ACTION**  
**Overtime Wages Under The Fair Labor Standards Act**

66. Responding to the allegations set forth in paragraph “66” of the Complaint, Duffy Defendant repeats, reiterates, and realleges each and every response made in paragraphs “1” through “65” as if more fully set forth herein.

67. Duffy Defendant denies the allegations contained in paragraph “67” of the Amended Complaint.

68. Duffy Defendant denies the allegations contained in paragraph “68” of the Amended Complaint.

69. Duffy Defendant denies the allegations contained in paragraph “69” of the Amended Complaint.

70. Duffy Defendant denies the allegations contained in paragraph “70” of the Amended Complaint.

71. Duffy Defendant denies the allegations contained in paragraph “71” of the Amended Complaint.



72. Duffy Defendant denies the allegations contained in paragraph “72” of the Amended Complaint.

**SECOND CAUSE OF ACTION**  
**Overtime Wages Under New York Labor Law**

73. Responding to the allegations set forth in paragraph “73” of the Complaint, Duffy Defendant repeats, reiterates, and realleges each and every response made in paragraphs “1” through “72” as if more fully set forth herein.

74. Duffy Defendant denies the allegations contained in paragraph “74” of the Amended Complaint.

75. Duffy Defendant denies the allegations contained in paragraph “75” of the Amended Complaint.

76. Duffy Defendant denies the allegations contained in paragraph “76” of the Amended Complaint.

**THIRD CAUSE OF ACTION**  
**Violation of the Notice and Recordkeeping Requirements of the New York Labor Law**

77. Responding to the allegations set forth in paragraph “77” of the Complaint, Duffy Defendant repeats, reiterates, and realleges each and every response made in paragraphs “1” through “76” as if more fully set forth herein.

78. Duffy Defendant denies the allegations contained in paragraph “78” of the Amended Complaint.

79. Duffy Defendant denies the allegations contained in paragraph “79” of the Amended Complaint.

**FOURTH CAUSE OF ACTION**

**Violation of the Wage Statement Requirements of the New York Labor Law**

80. Responding to the allegations set forth in paragraph “80” of the Complaint, Duffy Defendant repeats, reiterates, and realleges each and every response made in paragraphs “1” through “79” as if more fully set forth herein.

81. Duffy Defendant denies the allegations contained in paragraph “81” of the Amended Complaint.

82. Duffy Defendant denies the allegations contained in paragraph “82” of the Amended Complaint.

**RESPONSE TO PRAYER FOR RELIEF AND WHEREFORE CLAUSE**

Duffy Defendant denies that Plaintiff is entitled to the relief it has requested.

**DEMAND FOR TRIAL BY JURY**

Duffy Defendant hereby demands trial by jury with respect to all of the allegations of the Complaint and all the defenses raised to the extent they are so triable.

**AFFIRMATIVE DEFENSES**

Without admitting any of the allegations in the Complaint, and without admitting or suggesting that it bears the burden of proof on any of the following issues, Duffy Defendant alleges the following separate and independent affirmative defenses.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a cause of action upon which relief can be granted. Plaintiff failed to set forth facts sufficient to state or constitute a cause and/or causes of action on which relief might be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' Amended Complaint is a frivolous litigation aimed at extorting money from individual Defendant Duffy.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Duffy Defendant has no knowledge of Plaintiff and has no involvement with the Corporate Defendant.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

Duffy Defendant is entitled to attorneys' fees and costs in defense of this frivolous litigation.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by doctrine of laches, unclean hands, and/or avoidable consequences.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

Duffy Defendant affirmatively pleads that any act(s) and/or omission(s) that may be found to be in violation of the rights afforded by the applicable laws were not willful but occurred in good faith and with reasonable grounds for believing that they were in complete compliance with applicable law.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff cannot establish or satisfy the requirements necessary to proceed collectively under 29 U.S.C. § 216(b) because, among other things, Plaintiff is not similarly situated to the putative collective.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff cannot establish or satisfy the requirements for class certification pursuant to FRCP 23.

**PRAYER FOR RELIEF**

Duffy Defendant reserves the right to plead additional affirmative defenses as additional information is obtained and/or as may be appropriate.

**WHEREFORE**, Duffy Defendant respectfully requests that the Complaint be dismissed with prejudice, together with such other, further and different relief as is deemed just and proper.

Dated: January 27, 2025  
Wantagh, New York

**LAMONICA HERBST & MANISCALCO, LLP**  
Attorneys for Defendant George Duffy

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